

INTERVIEW SUMMARY

On October 3, 2005, Examiner Harper and the undersigned attorney discussed the claims, the specification and the August 2, 2005 Office Action. In the discussion, Examiner Harper explained that the Claim Rejections under Section 112 related to the claims' use of the phrase "information corresponding to the content" and questioned where in the specification such information may be disclosed. Examiner Harper and the undersigned noted that the application as published on September 23, 2004 by the U.S. Patent and Trademark Office did not contain the same paragraph numbering as the application as filed, and that the difference in the paragraph numbering may have led to the Examiner's question. The undersigned agreed to provide additional specific references that identify the support for "information corresponding to the content," and Examiner Harper agreed that such references would result in removal of the Section 112 rejection.

Examiner Harper also stated that the Section 103 rejections were done in view of the Section 112 rejection described above. Examiner Harper and the undersigned discussed the remarks set forth below, and agreed that the remarks warranted reconsideration and removal of the Section 103 rejections, subject to the Examiner's final review of the remarks and the cited references.

REMARKS1. Status and Summary

The Examiner has rejected claims 1-3, 5-9, 12-22 and 24-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,721,827 to *Logan et al.* in view of U.S. Patent Number 5,311,175 to *Waldman et al.*

The Examiner has rejected claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Logan et al.* in view of *Waldman et al.* and further in view of U.S. Patent Number 6,324,511 to *Kiraly et al.*

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Logan et al.* in view of *Waldman et al.* and further in view of U.S. Patent Number 6,122,617 to *Tjaden.*

The Examiner has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over *Logan et al.* in view of *Waldman et al.* and further in view of U.S. Patent Number 6,055,566 to *Kikinis.*

Claims 1-28 remain pending in this application. Claims 33-41 are new.

2. Rejection under 35 U.S.C. § 112

The Examiner has rejected claims 1-28 under 35 U.S.C. §112 because of the use of the phrase "announce information corresponding to the content." As the undersigned and the Examiner discussed on October 3, "information corresponding to the content" includes specific information that relates to content that is stored in a database. For example, and without limitation, various paragraphs of the application state that this may include announcing or "speaking" the entire content file, such as a book, article or music file. (See, e.g., paragraphs 0013, 0014, 0018, 0019, 0072, and 0124 of the application as published September 23, 2004¹.) It may also include announcing information that describes the content or which otherwise helps the user identify or locate the content, such as a title (paragraphs 0114 and 0124²); table of contents (paragraphs 0085, 0094 and 0136³); hyperlink (paragraph 0085⁴); page number (paragraph 0115⁵), content type or library identifier (see, e.g., paragraphs 0113 and 0129⁶); paragraph, sentence or word (paragraph 0115⁷); ID3 data, an album, performer, lyrics or genre (paragraph 0124⁸), a bookmark (paragraph 0113⁹) ordering information (paragraph 0100¹⁰) or other information that is contained in or indicative of the content.

In some embodiments, information corresponding to the content may include any converted non-audio information associated with an audio format file. (See paragraph 0030.¹¹)

¹ Paragraphs 0013, 0014, 0018, 0019, 0071 and 0119 of the application as filed.

² Paragraphs 0112 and 0119 of the application as filed.

³ Paragraphs 0092 and 0130 of the application as filed.

⁴ Paragraph 0084 of the application as filed.

⁵ Paragraph 0113 of the application as filed.

⁶ Paragraphs 0111 and 0127 of the application as filed.

⁷ Paragraph 0113 of the application as filed.

⁸ Paragraph 0122 of the application as filed.

⁹ Paragraph 0111 of the application as filed.

¹⁰ Paragraph 0099 of the application as filed.

¹¹ Paragraph 0030 of the application as filed.

For example, the information may be contained in an index file having information that may be used for navigating the file or files. (See paragraphs 0081-0096.¹²)

Accordingly, Applicants respectfully request reconsideration of this rejection. Applicants have also added dependent claims 33-41 to include specific examples of such content.

3. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-3, 5-9, 12-22 and 24-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,721,827 to *Logan et al.* in view of U.S. Patent Number 5,311,175 to *Waldman et al.* This rejection covers each of the independent claims.

Applicants respectfully traverse this rejection for several reasons:

First, independent claims 1, 12, 18 and 25 each incorporate features not disclosed in the prior art cited by the Examiner. To establish obviousness, all of the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Neither *Logan* nor *Waldman* teaches or suggests a tactile user interface or navigation control that, when activated, announces information or elicits an auditory response that relates to content in a database.

Although *Logan* describes a database of audio content, it does not disclose or suggest a user interface with navigational tools that help a print-disabled individual identify or locate the content. Rather, *Logan* merely describes a standard computer (103 in FIG. 1) and keyboard (119 in FIG. 1) that allow a user to search a database. (See also col. 3, lines 61-64.) In fact, *Logan* does not describe a user interface that announces information or elicits an audio response at all.

Waldman merely teaches a telephone keypad that speaks the name of the key or other pre-recorded information that is specific to the key. *Waldman* does not describe a user interface

¹² Paragraphs 0080-0095 of the application as filed.

that announces information corresponding to database content. In fact, *Waldman* does not describe a database of audio content at all.

Accordingly, neither *Logan* nor *Waldman*, either alone or in combination, teaches all of the features of claims 1, 12, 18 and 25.

Second, *Logan* and *Waldman* are in dissimilar arts. To rely on two references under 35 U.S.C. § 103, the references must be in analogous arts. MPEP § 2141.01(a).

Logan relates to message distribution systems that are implemented on a personal computer. (See FIG. 1 and col. 3, lines 61-64.) *Waldman* relates to keypads for devices such as telephones and methods of conveying information "about such keys" to a user. (See col. 1, lines 17-23.) One of ordinary skill in the art of computing devices is not likely to search for teachings from the art of telephones, nor is one of skill in the art of telephones likely to search for teachings from the art of computers. This is illustrated by the fact that none of the "Fields of Search" listed on the face of the *Logan* patent appear in the "Fields of Search" for the *Waldman* patent, and none of the "Fields of Search" listed on the face of the *Waldman* patent appear in the "Fields of Search" for the *Logan* patent.

Third, the Examiner has not set forth a motivation to combine the teachings of *Logan* nor *Waldman*. Obviousness can only be established if the references themselves either explicitly or implicitly state a motivation to combine. MPEP § 2143.01.

In the Office Action (on page 4), the Examiner states that "it is well known at the time of the invention to be advantageous for a visually impaired individual to use such a keypad." On pages 15 and 16, the Examiner describes possible results of combining *Logan* with *Waldman*. However, the mere fact that references can be combined does not in itself render the combination obvious. In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Even if a combination

of *Logan* with *Waldman* were to result in the claimed invention (which Applicants traverse, as described above), the Examiner does not explain why the combination is expressly or implicitly suggested in the references themselves. Since *Logan* does not describe the use of a keypad, and neither *Logan* nor *Waldman* describe or suggests any tactile interface that speaks information corresponding to content in a database, neither *Logan* nor *Waldman* suggests the desirability of the claimed invention.

Fourth, a modification of *Waldman* to combine it with *Logan* would change the principle of operation of *Waldman*. A proposed modification cannot change the principle of operation of a reference. MPEP § 2143.01. The stated purpose of *Waldman* is to provide a “key and pushbutton apparatus and a method of conveying identification, instruction or description information about such keys or buttons.” Col. 1, lines 17-20 (emphasis added). “The method and apparatus of the instant invention [of *Waldman*] depend upon . . . passing appropriate information to the user regarding the underlying, functionally associated key.” Col. 2, lines 37-52 (emphasis added). The purpose or principle of operation of *Waldman* is not to announce any information relating to content stored in a database. Rather, “the functional objectives of the invention [of *Waldman*] is simply to provide information about a key or group of keys to a user.” Col. 3, lines 17-19 (emphasis added).

For at least the reasons set forth above, Applicants submit that independent claims 1, 12, 18 and 25 are not obvious under 35 U.S.C. § 103. As claims 2-11 and 33 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2-11 are likewise allowable over the prior art. As claims 13-17 and 34 depend from and incorporate all of the limitations of allowable independent claim 12, claims 13-17 and 34 are likewise allowable over the prior art. As claims 19-24 and 35 depend from and incorporate all of the limitations of

allowable independent claim 18, claims 19-24 and 35 are likewise allowable over the prior art. Finally, as claims 26-28 and 36 depend from and incorporate all of the limitations of allowable independent claim 25, claims 26-28 and 36 are likewise allowable over the prior art.

Applicants note that the Examiner has rejected claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Waldman* and further in view of U.S. Patent No. 6,324,511 to *Kiraly et al.* The Examiner has also rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Waldman* and further in view of U.S. Patent Number 6,122,617 to *Tjaden*. Finally, the Examiner has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Waldman* and further in view of U.S. Patent Number 6,055,566 to *Kikinis*. None of the devices described in these patents are adapted to be operated by a print-disabled individual. Further, none of these devices has a user interface that announces information corresponding to content in a database. Thus, none of these additional patents resolves the deficiencies of *Logan* and *Waldman*.


CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections, and that the application be allowed and passed to issue.

In order to expedite prosecution of this application, if the Examiner does not consider all of the presently presented claims to be allowable, the Applicants hereby request the opportunity for an additional interview with the Examiner. I invite the Examiner to telephone or e-mail me directly to schedule the interview if necessary.

A check for the payment of additional claim fees is attached. The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,
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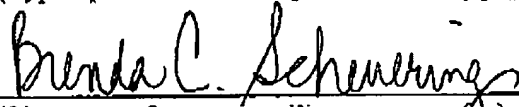
CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.6 & §1.8

Applicant:	Steven W. Gomas, et al.	Examiner:	V. Paul Harper
Serial No.:	10/681,537	Group Art Unit:	2654
Filed:	October 8, 2003	Docket No.:	126361.00101
Title:	Content Delivery and Speech System and Apparatus for the Blind and Print-Handicapped		

I hereby certify that this Interview Summary and Amendment is being sent via facsimile to fax number 571-273-8300 under 37 C.F.R. §1.6 & §1.8 on October 11, 2005.

Brenda C. Scheuering

(Typed/printed name of person mailing paper or fee)



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